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APPLICATION FOR SEARCH WARRANT and SUPPORTING AFFIDAVIT

(This application and affidavit to be detached by Justice issuing warrant and filed separately with the court to which the warrant is returnable)

Instructions: A person seeking a search warrant shall appear personally before any justice, associate justice or special justice of the municipal, district or superior court and shall give an affidavit in substantially the form hereinafter prescribed. The affidavit shall contain facts, information, and circumstances upon which such person relies to establish probable cause for the issuance of the warrant and the affidavit may be supplemented by oral statements under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes personally of the substance of any oral statements under oath supplementing the affidavit or arrange for a transcript to be made of such oral statements. The person issuing the search warrant shall deliver the affidavit and the notes or transcript within three days after the issuance of the warrant to the court to which the warrant is returnable. Upon the return of said warrant, the affidavit and the notes or transcript shall be attached to it and shall be filed therewith, and they shall be a public document when the warrant is returned, unless otherwise ordered by a court.

The State of New Hampshire

Rockingham, SS

10th Circuit Court Salem

I, Patrolman Allison Caprigno, of the Pelham Police Department being duly sworn, depose and say:

1. I am a sworn officer of the Pelham Police Department
2. I have information, based upon Please see attached affidavit
3. Based upon the foregoing information (and upon my personal knowledge) there is probable cause to believe that the property hereinafter described is evidence of the crime of Cruelty to Animals, contrary to RSA 644:8 and may be found in the possession of Kevin Rocheville at premises 31 Jonathan Road, Pelham, NH
4. The Property I intend to seize as a result of the issuance of a Search Warrant is the following:
 - Any and all dogs inside or outside of the property.
 - Any evidence relevant to the neglect of animals
 - Any and all photographs needed to document the scene

Wherefore, I request that the court issue a warrant and order of seizure, authorizing the search of the above persons and/or premises and directing that if such property or evidence or any part thereof be found that it be seized and brought before the court; together with such other and further relief that the court may deem proper.

Allison Caprigno
Patrolman Allison Caprigno

Then personally appeared the above-named Allison Caprigno and made oath that the foregoing affidavit to be true.

Before me this the 17 day of October, 2016.

Hon. Robert S. Stephen
Justice/Justice of the Peace

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT
31 Jonathan Road, Pelham New Hampshire

I, Patrolman Allison Caprigno, being duly sworn, do hereby depose and say:

1. That I am an Officer with the Pelham, New Hampshire, Police Department.
2. I am an Animal Control Officer and Police Officer with the Pelham, New Hampshire Police Department, holding the rank of Patrolman. I am currently assigned as the Animal Control Officer at Pelham Police Department. I have been a part time Police Officer since June 2nd, 2007. I have received an Associate's Degree in Criminal Justice from Northern Essex Community College. I have completed the National Animal Control Academy Levels 1-4.
3. That during the course of my employment as an Animal Control Officer and Police Officer; I have conducted multiple investigations that have resulted in court action of persons involved in various crimes.
4. This information contained in this search warrant, application is based upon my own personal knowledge and experience as well as the knowledge and experience of other law enforcement officials involved in this investigation.
5. This search warrant is requested for the Rocheville Residence at the premise located at 31 Jonathan Road Pelham, NH 03076.
6. On September 30, 2016 at approximately 12:27pm I spoke with Kevin Rocheville DOB [REDACTED] and Michele Stone DOB [REDACTED] at 31 Jonathan Road Pelham, New Hampshire about a dog at large complaint and dog licensing. I received a complaint for a Rottweiler/Pitbull type of dog that came out of the driveway at 31 Jonathan Road and followed two women walking down the street the day prior to this. The complaint alleged a dog followed very closely behind the women as they walked, sniffing them and making them nervous for their safety. Rocheville told me he did not have a dog matching that description and Stone suggested it may have been a neighbor's dog from further up the street. When I had arrived at the property they had just let a dog out that was similar looking to a Rottweiler mix. They told me the dog was named Ally a foster dog from the Whispers of the Forgotten out New York and had just had 7 puppies within the last 24 hours. The dog was having difficulty walking and moved at a slow pace consistent with having just given birth to a litter of puppies a short time ago, I did not believe that was the dog in question. In the driveway in a chain link enclosure was a small black lab mix that they called Onyx, which appeared frail. Rocheville told me that dog had recently been seen at Rockingham Emergency Hospital and Angell Memorial, but the dog was released and starting to improve. That dog was a foster, from Looking Glass Animal Rescue out of Connecticut, and did not match the description of the dog that followed the walkers. I asked why none of Rocheville's dogs were licensed with the town; he told me that all of his personally owned dogs were deceased and he only had 8 foster dogs at this time (not counting the puppies). We discussed that even foster dogs are supposed to be

registered and Stone said she would get some of their long term foster dogs registered this week.

7. On October 5, 2016, I spoke with Jody Harris from Ridgefield, Connecticut; she is the Co-founder/Partner of Looking Glass Animal Rescue. Harris was very concerned about the dogs she has in Rocheville's care. She was made aware of an incident between Rocheville and Dr. Pearson at the Windham Animal Hospital, where Rocheville yelled at the veterinarian and caused a disruption at the animal hospital after the dog had complications from a surgery. Harris said this incident as well as other information about Rocheville was making her worry about the safety of the dogs in his care. Harris had spoken with Stone and was informed that Rocheville had broken up with her and kicked her out of the house due to fighting over the dogs. Stone had confided in Harris that there was possibly 30 dogs in the house, but she was unsure if that was factual or her trying to retaliate after the break up. I asked Harris if she had ever been to 31 Jonathan Road when she did her reference and background check. She had not been to the residence, but she spoke with his listed telephone references and he displayed a badge to her telling her that he was an Assistant Animal Control Officer for the town of Pelham. I let her know that was untrue, he has never been an employee of the town of Pelham. He was once a volunteer for the Animal Rescue Network of New England who operate out of the Pelham Police Animal Control Shelter. Harris was going to email me pictures and documentation for the six dogs she had in Rocheville's care. Harris was arranging to have a volunteer from the rescue come to Pelham tomorrow to retrieve the dogs belonging to her rescue from Rocheville.
8. On October 6, 2016 at 6:24 pm, I assisted Officer Ryan Donovan at 31 Jonathan Road for a criminal trespass/domestic disturbance, involving Rocheville and Stone. Rocheville wanted Stone to be criminally trespassed from the property. While speaking with the parties involved Stone told Officer Donovan that there were up to 30 dogs in the house, mostly living in crates and would not be cared for properly now that she is no longer living there. Rocheville refused to let anyone in the house; we were able, after some time speaking with him, to get him to agree to allow Stone inside to retrieve some personal belongings for herself and her son. After retrieving some belonging she left with her 12 year old son and said she would follow up in the morning.
9. On October 7th at 8:49 am Michele Stone came into the Pelham Police Department to follow up. She was given advice on further civil standbys to retrieve the rest of her belongings and how she could obtain help from the town for housing and food for herself and her son. The rest of the follow up was focused on the animal issue at 31 Jonathan Road. Stone showed me pictures on her phone that she had taken the day prior. The pictures showed 20-30 dogs being kept in plastic and wire style crates in what appeared to be the living room portion of the house. The dogs were standing or laying in fecal matter and urine in the pictures. Most of these dogs appeared to be slightly underweight and if there was a food bowl in the crate it was empty, there were no bowls containing water for the dogs. There were also pictures from the basement and the garage that showed

a few dogs being housed in chain link style enclosures, these pictures also had visible fecal matter and urine around the dogs. Food bowls were empty in these pictures, with no water bowls in the enclosures. Stone filled out a voluntary witness statement and planned to email me the pictures from her phone. Once finished with her statement Stone left the Police Department so she could get lunch for her son.

10. At 2:33 pm myself and Erica Roy a volunteer from Looking Glass Rescue went to 31 Jonathan Road to retrieve the dogs that belong to that rescue in Rocheville's care. Upon arrival to the residence, he was sitting on the front steps with the door open. To the side of his house two dogs could be seen in chain link enclosures. Those dogs were identified by Rocheville as Judah and Cheryl both belonging to Looking Glass Rescue. I asked about the other dogs listed on my paperwork, he told me that Crystal was at his mother's house in Tyngsboro, MA and Chloe, Jason and Mason were picked by Sarah Macone of Sudbury, MA who he adopted them too. Rocheville had no issue with himself and I walking thru his house so we could verify those dogs were not there and so I could check the conditions of the dogs inside the house. Upon walking in the door there was an odor of ammonia and bleached based cleaning products. Rocheville pointed upstairs to the bedroom area, he told me that Ally was there with her puppies; I did not go upstairs as I did not want to upset her with the puppies and I had recently seen her days prior and knew she was in okay condition. We walked thru the kitchen and living room area, this area was reasonably clean with no dogs or crates present. In the basement there were 5 chain link style kennels with Pitbull's inside all but one, these kennels had soiled newspaper, piles fecal matter and pools of urine inside them. Rocheville told me that he had just returned home from working all day and has not had a chance to do any cleaning. These dogs appeared to be in decent health. In the garage connected to the basement there were two more chain link enclosures. One enclosure had a boxer who Rocheville said he saved on Craigslist and the other enclosure had a large older St. Bernard/Mastiff type mix, that he said he was holding for a friend. These two dogs' areas appeared slightly cleaner but they did have piles of fecal matter and pools of urine in their enclosures. I told him that I would be back to check the conditions, he told me he had an open door policy with me and wanted to cooperate with me. He also said he was going to have a friend of his help take care of the dogs since he was now living alone. Erica Roy took Judah and Cheryl with her, returning them into the custody of Looking Glass Animal Rescue.
11. On October 10th, 2016 at 8:39 am I met with Michele Stone in the lobby of Pelham Police Department. She was unable to email me the pictures of the dogs housed at 31 Jonathan Road but had printed copies. Stone has been tracking Rocheville's phone thru the "track my Iphone" app and he has been going to locations in Sudbury and Lincoln, MA daily. Stone was concerned that many of the dogs were not at the house when I was there and could have been moved to these addresses. 1030 Concord Road in Sudbury, MA is the address of Sarah Macone who Rocheville told me had adopted dogs to, 7 Silverhill Rd in Lincoln, MA is a friend of Rocheville's vacant property according to Stone. Sudbury Animal Control Officer Jennifer Condon was notified by myself and asked to

check the properties listed above as she covers both towns. Officer Condon had checked both properties and did not find any dogs being stored on those properties.

12. On October 11th at 1313, I went to 31 Jonathan Road to do an unannounced follow up check on the residence to check the conditions of the animals. Upon pulling into the driveway Rocheville met me outside with 3 loose Pitbulls. Rocheville put two of the dogs in his truck and asked that I take the third dog, he told me these dogs belong to Looking Glass Animal Rescue and he wanted me to take them back to the Pelham Animal Control Shelter. He offered to drive the dogs he had in his truck. While at the Animal Shelter he told me that he had one more at home and he would go back to get that dog. Rocheville appeared quite agitated and was very short with me; he told me that he needed to get back to work and left quickly. The dogs turned over that day matched the paperwork from Looking Glass Animal Rescue; these dogs were Crystal, Chloe, Jason and Mason all Pitbull or Pitbull/Mix. All four of these dogs appeared to be in decent weight, but smelled foul and had long nails. All four of these dogs were secured at the Pelham Animal Control Shelter and Jody Harris of Looking Glass Animal Rescue was notified via telephone. At 2:50 pm I was notified via telephone by Susan Young of Texas from the Next Samaritan Rescue Group that two of her dogs that were in Rocheville's care had been found in Nashua, New Hampshire as strays. They were now in the custody of Nashua Humane Society. When I spoke with Animal Control Officer Robert Langis from Nashua, he had received a phone call from a Kevin Rochelle looking to claim those dogs. Both dogs had microchips registered to the rescue group in Texas; Langis did not release the dogs to Kevin Rochelle.
13. On October 12th, 2016, Salem, New Hampshire Animal Control Officer Bliss had received a phone call from the MSCPA in Methuen, MA. A man had come into their animal shelter and wanted to surrender a sick Pitbull for his friend, the dog was not brought into the shelter. They did not accept the dog as he stated he was not the owner. The employee felt very uneasy about the man's story and took a picture of him as he was getting ready to leave with the dog and the car he was driving. Officer Bliss was notified as her animal shelter is nearby and they worried he could try to go there. Officer Bliss confirmed thru the license plate on the car in the picture that the man was Kevin Rocheville.
14. On October 12th, 2016, Officer Matthew Blazon of the Hudson, New Hampshire Police Department responded to Dubowick Excavating at 345 Derry Street for a report of five abandoned puppies. In the main office of the business Blazon spoke with Dan Dubowick the owner of the business and his family members who were handling the dogs. Officer Blazon observed 3 full sized Pitbull dogs. One was a white dog visibly emaciated with a boney structure and visible cataracts in both eyes. Another was a black pitbull mix lying on the ground sleeping. The third dog was a white and brown mix Pitbull that looked like it had recently been bred; the dog's nipples were slightly drooping. The Dubowick's told Officer Blazon that this dog had blood in its urine and had to urinate frequently. In the back of the building they had separated the two other dogs; Plot Hound mixes because

10.17.16

they did not get along with other dogs. All of the dogs had a strong unclean smell to them. Dubowick told Officer Blazon that a former customer named Kevin Rocheville of 31 Jonathan Road in Pelham, New Hampshire had called him at approximately 9:00 am and asked him to take five puppies because he could not care for them, Rocheville told Dubowick he had too many dogs. Dubowick said he would take the five puppies under the impression they were young puppies. Rocheville dropped the dogs off at his business first one at a time; he was driving silver Volkswagen Jetta and then dropped the remaining three off at the same time. Dubowick stated each dog had visible fecal matter on its fur and was cleaned at the business by Rocheville before he left. Rocheville told Dubowick that he received the dogs from Texas but could not provide any more information. These dogs were taken to the Hudson Police Department Animal Control Shelter. Two dogs were taken that night to Rockinham Emergency Hospital to be seen, by Animal Control Officer Jana McMillan. One of the female Pitbulls that were unhealthy had microchips that come back with Kevin Rocheville of 31 Jonathan Road as the listed owner; the second dog was listed to Manchester New Hampshire Animal Shelter. The three other dogs had microchips registered to rescue groups in Texas. Officer Blazon notified Sgt. Keenlside of the Pelham Police Department about this incident that had recently occurred. Sgt. Keenlside and Officer David Deroche attempted to make contact with Kevin Rocheville at 31 Jonathan Road to do a welfare check on the animals inside the home but no one answered the door despite vehicles in the driveway and lights on inside the home.

15. October 13th, 2016, Salem, New Hampshire Animal Control Officer Corie Bliss had picked up a stray dog on Garabedian Drive. Officer Bliss notified me that when she picked up this dog it had a very strong unclean odor to it. The dog was described to me as an older St. Bernard/Mastiff mix. Bliss forwarded me a picture of the dog and I recognized it to be one of the dogs I had previously seen in Rocheville's garage. That dog is being held at the Salem Police Department Animal Control Shelter.
16. On October 14th, 2016, I had gone to 31 Jonathan Road at 11:30 am and at 1:27 pm it appeared no one was home. I tried to contact Rocheville by cell phone many times, he did not answer and his voicemail box was full, so I was unable to leave a message.
17. On October 14th, 2016 at 3:56 pm Animal Control Officer Jennifer Condon of Sudbury, MA contacted me via telephone to report she was at 1030 Concord Road and the owner of the property found 4 dogs stored in a rear shop on the property. The owner of the property told Officer Condon that they were unaware of the dogs being on their property and did not give anyone permission to leave dogs there. All four dogs were Pitbulls and were in small crates with lots of fecal matter and urine with no food or water according to Officer Condon. Kevin Rocheville showed up at that property shortly after. Officer Condon kept a black and white Pitbull named Kevin, which is believed to be owned by Lisa Gregor of Norwell, MA and the dog had open sores and wounds all over his body and was very underweight. Officer Condon allowed Rocheville to take the three other

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Hon. Robert S. Stephan 83

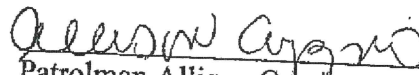
dogs; those dogs were named Lilly, Beyrun and Oreo who Rocheville stated were his personally owned dogs.

18. Based on the above listed events, I am concerned for the health and welfare of any dogs in Rocheville's care at 31 Jonathan Road. Based on the information given by his ex-girlfriend Michele Stone and the rescue groups involved there are 10-20 dogs that are unaccounted for and possibly still living in that residence.

Based upon the foregoing information, the State believes that information which would help the State in prosecuting the crimes of Cruelty to Animals, pursuant to RSA 644:8 A, RSA 644:8 E, RSA 644:8F.

I therefore request this court to issue a warrant authorizing the search of the Rocheville Residence at the premises located at 31 Jonathan Road, Pelham, NH.

SIGNED UNDER THE PENALTIES OF PERJURY this 17th day of October 2016.

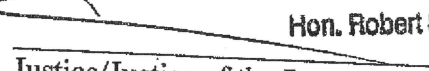

Patrolman Allison Caprigno

THE STATE OF NEW HAMPSHIRE


ROCKINGHAM, S.S.

October 17th, 2016

Then personally appeared the above-named Patrolman Allison Caprigno and acknowledged the foregoing to be true, to the best of his information, knowledge, and belief, and this instrument to be his free act and deed, before me.


Hon. Robert S. Stephen
Justice/Justice of the Peace

And, I Hon. Robert S. Stephen having personally examined the affidavit in support of the search warrant and any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information, I conclude that there ☒ is ☐ is not sufficient probable cause for the issuance of the search warrant sought. Therefore, the application is ☒ granted ☐ denied and the search warrant ☒ is ☐ is not issued.



Signature of Issuing Justice/JP
Hon. Robert S. Stephen



Official Title